

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
John Thomas McIlwain) Case No: 5:98CR192-8
Date of Previous Judgment: 7/12/99) USM No: 13707-058
(Use Date of Last Amended Judgment if Applicable)) C. Melissa Owen
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 168 months **is reduced to** 134 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 37 Amended Offense Level: 35

Previous Guideline Range: 262 to 327 months Amended Guideline Range: 210 to 262 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at

of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than

amended guideline range.
 Other (explain):

Other (explain):

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 7/12/99 shall remain in effect.

IT IS SO ORDERED.

Order Date: February 24, 2009

Effective Date: March 6, 2009
(if different from order date)

William L. Voelker

Richard L. Voorhees
United States District Judge



